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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,167	04/28/2000	Frank Fruth	1.068US	3697
23494	7590	10/26/2004	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/560,167

Applicant(s)

FRUTH ET AL.

Examiner

Joseph R. Pokrzywa

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 07 September 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The amendment to claims 13 and 14 raises new issues.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Joseph R. Pokrzywa*  
JOSEPH R. POKRZYWA  
EXAMINER  
ART UNIT 2622

## DETAILED ACTION

### *Response to Appeal*

1. An appeal under 37 CFR 1.191 was filed in this application on 9/7/04. Appellant's brief is due on 11/7/04 in accordance with 37 CFR 1.192(a).

### *Response to Amendment*

2. The amendment filed 8/3/04 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

- a. The proposed amendment is not deemed to place the application in better form for appeal by materially simplifying the issues for appeal.
- b. The proposed amendment raises new issues that would require further consideration and/or search.

Regarding dependent *claims 13 and 14*, the addition of the limitations requiring "shifting a first scan line without packet loss and including a detecting end of said first scan line, that is received in said FTE after said discarding, to join a second scan line without packet loss and including a detected end of said second scan line, that is received in said FTE before said discarding" raises new issues requiring further consideration.

***Response to Arguments***

3. Applicant's arguments filed 8/3/04 have been fully considered but they are not persuasive.

Regarding independent ***claims 1 and 7***, in response to applicant's arguments with respect to the rejection of claims 1 and 7, cited as being anticipated by Barber *et al.* (U.S. Patent 6,535,906), whereby applicant argues on pages 11 and 12 that Barber fails to teach of evaluating said scan line data to detect the expected end of a scan line without packet loss, playing out said scan line data to a local FTE, if said scan line data has no packet loss.

Barber teaches that scan lines are received and stored in the buffer 32, as read in column 3, lines 45-65, and seen in Fig. 3. Further, in column 4, lines 49-55, Barber states that "a preselected amount of a given scan line ("line segment") is removed from the buffer". Further, in column 4, lines 61-67, the line segments are added to the outgoing data stream until an end of line marker is detected. Upon this detection in step 402, the scan line stored in the buffer 32 is evaluated if it is within a preselected size range, as seen in steps 406 and 410. With this, one of ordinary skill in the art can recognize that the scan line data is evaluated to detect the expected end of a scan line.

Further, Barber describes the inherent problems with facsimile transmission over the Internet in column 1, lines 8-40. Particularly, as read in column 1, lines 25-31, "when the buffer is full, incoming data packets can be dropped, thus requiring retransmission of the entire document". Thus when the buffer is full or exceeds a maximum capacity, one of ordinary skill in the art can recognize that a loss of packets has occurred. As seen in Fig. 4, upon detection of an end of line marker in 402, being the end of the scan line, if the scan line data in the buffer is

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above a predetermined maximum amount, thus indicating that a packet loss has occurred, selected scan lines are deleted in step 408.

Therefore, Barber can be interpreted as teaching of evaluating said scan line data to detect the expected end of a scan line without packet loss, playing out said scan line data to a local FTE, if said scan line data has no packet loss, whereby as seen in Fig. 4, the scan line data is “played out” to the local FTE in step 404, and is determined to have no packet loss when the scan line data in the buffer is within the predetermined range (“no” in both steps 406 and 410) upon detecting the end of the scan line in step 402.

4. Therefore, the rejection of **claims 1 and 7**, as cited in the Office action dated 5/3/04, is maintained.

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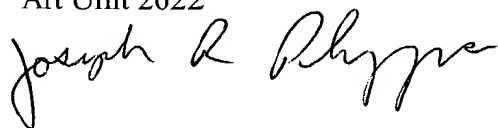
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622



jrp